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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/538,086 | 06/08/2005 | Kenichiro Aridome | SON-3122 | 6679 |
| 23353 7590 02/23/2010 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036 | | | | |
| EXAMINER | | | | |
| SINFL BEHROOZ M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2621 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 02/23/2010 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,086

Applicant(s)

ARIDOME ET AL.

Examiner

BEHROOZ SENFI

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 10/28/2009 have been fully considered but they are not persuasive.

Response to remarks

Applicant asserts (remarks; page 11, lines 6-7) that there is **no mention** of an occupied amount update means, an optimum occupied amount calculation means, or a target code amount adjustment means in Nakatani, and further in (remarks; page 12, lines 9-13) indicates that there is **no mention** of an **optimum occupied amount calculation means** for calculating a predetermined optimum occupied amount based on the updated occupied amount of the virtual buffer, and likewise no mention of a **target code amount adjustment means**, for adjusting the target code amount so that the sum total of the occupied amount of the virtual buffer and the target code amount does not exceed the optimum occupied amount in Sugahara.

In response:

With respect to applicant's arguments and remarks; Examiner note that; Nakatani in the field of optical disc recording apparatus, method and reproduction teaches, encoder controller to adjust the compression rate (thus is equivalent to target code amount adjustment means) according to the data occupancies (i.e., capacity) of the virtual buffer (thus consider as optimum occupied amount) to ensure no overflows and/or underflows will occur (please see; paragraphs 0098, 0103 and 0117-0120); and further the secondary reference, Sugahara more clearly, through out the disclosure

describes the use of VBV buffer, VBV buffer information/monitoring and setting the VBV value (please see; for example paragraphs 0173-0180; note that, setting the VBV value of 80% of maximum value consider as optimum occupied amount calculation means. Further applicant should note that, the VBV is generally known to maintain and update a buffer fullness in order to stimulate the entering and removing of coded data to and from the physical buffer of the video decoder, as evidenced by US 7,349,474). Furthermore Sugahara also teaches target code amount calculation and adjustment means, as describes by monitoring and controlling/adjusting the relationship between the generated amount of code and encoding rate and setting the target amount of code in order to accommodated within a predetermined buffer value/capacity, and to avoid buffer underflows and/or overflows (paragraphs 0019, 0021, 0173 and 0178-0180).

In view of the above; examiner respectfully indicates that the combination of Nakatani and Sugahara meets the claims limitations. Therefore claims 1, 2 and 4-10 are finally rejected for the same reason as set fourth in the last Office Action, mailed 8/18/2009.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bagni et al. (US 7,349,474) method and apparatus for variable bit-rate control in video encoding system.

Blanchard (US 5,949,487) video editing buffer management.

Mori et al. (US 5,854,873) method and apparatus for encoding a bit-stream with plural possible searching reproduction paths information.

Contact

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is 571-272-7339. The examiner can normally be reached on M-F 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Behrooz Senfi/
Primary Examiner
Art Unit 2621